

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3988 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

BECHARBHAI MADHABHAI PALSANA

Versus

DEPUTY COLLECTOR AND ELECTION OFFICER

Appearance:

MR AK CLERK for Petitioners Nos. 1-2
MR SIRAJ GORI, AGP for Respondent No. 1
MR SJ JOSHI for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 18/02/2003

ORAL JUDGEMENT

It appears that the petitioners before this Court

are the members of the Amreli District Central Bank Limited, the respondent no.2 herein (hereinafter referred to as 'the Bank'). The petitioner no.1 had submitted his candidature for election to the office of the Director at the ensuing election of the Board of Directors of the Bank. The petitioner no.2 had seconded the candidature of one Shri A.D.Ruparel to the office of the Director at the said election of the Board of Directors. The election programme was declared by the respondent no.1 authority under order dated 16th May, 1997. However, in course of scrutiny of the nomination forms filled in by the contestants, a scuffle took place. In the process, the nomination forms and other records of the election were destroyed. Consequently, under order dated 28th May, 1997 made by the respondent no.1, the elections were postponed. A fresh election programme was declared under order dated 30th May, 1997, which is the subject matter of challenge in the present petition.

The subject matter of challenge in the present petition is the election programme for the election of Board of Directors of the Bank declared by the respondent no.1 on 30th May, 1997.

In view of the passage of time, the cause of action shall not survive. The petition is accordingly disposed of. Rule is discharged. The parties shall bear their own costs.

(Ms. R.M. Doshit, J.)

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